

ROSE IS CITED FOR CONTEMPT APPEALS TO SUPREME COURT

Chief Justice Robertson Issues Writ of Prohibition Against Circuit Judge Ashford

SHERIFF HAD IGNORED ORDER ISSUED BY COURT

Return of Arrest Does Not Tally With Prisoner's Testimony—Trouble Follows

(From Thursday Advertiser.)

Sheriff Charles Rose has been cited to appear before Circuit Judge C. W. Ashford at nine o'clock this morning and show cause why he should not be punished for contempt of court. But Sheriff Rose is not going to appear if he can help it. As an evidence of this he applied to the Supreme Court of the Territory at eight o'clock last night for a writ of prohibition ordering Judge Ashford not to interfere with Sheriff Rose. The writ of prohibition was issued shortly after eight o'clock last evening by Chief Justice A. G. M. Robertson of the supreme court. The writ is temporary and is made returnable before the supreme court at ten o'clock next Monday morning. At that time Judge Ashford will be required to show cause why the order should not be made permanent. Lorrin Andrews appeared for Rose before the supreme court last night. In his petition for the writ of prohibition, Rose maintains that no contempt of court has been committed. Justice Robertson's order:

The petition and order of the chief justice cover a dozen or more typewritten pages. After reciting the allegations contained in the petition Judge Robertson concludes the court order as follows:

"We, therefore, do command you, the said Clarence W. Ashford, First Judge of the Circuit Court of the First Circuit, Territory of Hawaii, that you desist from further enforcing, or attempting to enforce, the said order to show cause as issued by you on this 24th day of February, A. D. 1915; from proceeding to any hearing of said order to show cause; from proceeding to any adjudication of petitioner as and for contempt of court; and from proceeding to punish, or attempting to punish, the said Charles H. Rose, Sheriff of the City and County of Honolulu, Territory of Hawaii, petitioner herein, as and for any contempt of court."

And that you, the said Clarence W. Ashford, First Judge, of the Circuit Court of the First Circuit, Territory of Hawaii, show cause to the said day of 10 o'clock, a. m., of said day, or as soon thereafter as counsel can be heard, before the Supreme Court of the Territory of Hawaii, at the court house in Honolulu, City and County of Honolulu, Territory of Hawaii, why you should not be punished for contempt of court for further enforcing, or attempting to enforce, the said order to show cause as issued by you on this 24th day of February, A. D. 1915; from proceeding to any hearing of said order to show cause; from proceeding to any adjudication of petitioner as and for contempt of court; and from proceeding to punish, or attempting to punish, the said Charles H. Rose, Sheriff of the City and County of Honolulu, Territory of Hawaii, petitioner herein, as and for any contempt of court."

"Dated at Honolulu, T. H., on this 24th day of February, A. D. 1915.

(Signed) "A. G. M. ROBERTSON,

"Chief Justice of the Supreme Court, Territory of Hawaii."

Rose Fails to Appear

The effect of this order will be that the merits of the grounds upon which Judge Ashford issued his citation must first be decided by the supreme court.

The citation which is now questioned by Rose was issued shortly before two o'clock yesterday afternoon by Judge Ashford in the circuit court, when Rose, who had been summoned to appear and explain the discrepancy between the return of arrest and the return of Lewis yesterday, testified he was arrested on a charge of robbery in connection with the opium "badger" game in which Jack Seely also is indicted.

In court yesterday morning Lewis testified that he was not arrested until Monday of this week, while Sheriff Rose in his testimony in the case stated that he had placed Lewis under arrest last Sunday.

It was to explain this that Judge Ashford issued an order summoning Rose into court at one-thirty o'clock yesterday afternoon. Claudius H. McHyde, of counsel for Lewis, was in court. City Attorney Cathcart was also present when court reconvened at one-thirty o'clock, the time set for Rose to appear. But the sheriff having absented, and so far as known was not represented by counsel. It is reported, however, that it was upon advice of attorneys that he ignored the court order.

Ashford Issues Citation

Judge Ashford then ordered the citation to issue, directing that it be served at once by High Sheriff Jarrett or his deputy. The order was soon after served over to High Deputy Sheriff Pat Gleason. The latter served the order upon Sheriff Rose late yesterday afternoon. What course Sheriff Rose will follow as to obeying the order will develop at 9 o'clock this morning.

Lewis was in court yesterday morning to ask for a reduction in his bail from \$2500 to \$2500. In motion of City Attorney Cathcart the plea for a reduction in the bond was granted. Before granting the motion Judge Ashford placed Lewis on the stand, and in the interrogations that followed the strange discrepancy in dates was brought out.

PRESIDENT WILSON NOMINATES JOHN F. HALEY REVENUE CHIEF

Well-Known Honolulu Newspaper Man Named To Succeed Collector Cottrill

UNEXPECTED announcement of the nomination of John F. Haley of The Advertiser staff to the position of collector of internal revenue, succeeding Charles A. Cottrill, was received in Honolulu yesterday. First advice was received in a memorandum to The Advertiser from its Washington correspondent yesterday morning.

This dispatch and other cables relating to President Wilson's action were brief, and besides the essential fact that Mr. Haley's name is before the senate for confirmation, contained none of the many small crumbs of information which might have gone far towards allaying the surprise and satisfying the curiosity of Honolulu.

"DARK HORSE" APPOINTMENT

This latest "dark horse" nomination was received with much more pleasure than is often the case when the public discovers that its favorite bet was in reality left at the post, and the nominee yesterday received practically unanimous and hearty congratulations. No persons were more surprised than the other candidates for Mr. Cottrill's official shoes, of whom Robert W. Cathcart and W. G. Wilder were most prominently mentioned, but who were not the aspirants by a long way.

"My nomination was a happy surprise," said the collector-to-be yesterday. "I had left my candidacy with my friends, and they worked better than I knew. I cannot thank them too much for what they did, and in return for their confidence, should my nomination be confirmed, and I beg to point out that this is not yet the case, I'll try to make as good a collector as Mr. Cottrill is."

HALEY VETERAN DEMOCRAT

Mr. Haley is a Democrat of long standing and a veteran of many campaigns. He has held responsible government offices under Democratic administration in Nevada and has been right-hand man of the leaders in some of the hottest political fights in that State. His fine record in office in Nevada and his many whole-hearted services to the party in that State undoubtedly were taken into consideration by the President and his department head in making the nomination, and should off the wheels of senate confirmation by the same token.

Mr. Haley is a San Francisco man by birth, but early in life decided that he desired to spend 1915 in Honolulu, preferably in the service of the government. And as "Jim" Haley always gets what he goes after some time or other, the same happy faculty stood him in good stead in regard to his early resolution.

FAITHFUL TO EMPLOYERS

For the last four years he has been a member of The Advertiser staff in every capacity in turn, including that of city editor, and his hard and faithful work on behalf of his paper and his city is an earnest of what may be expected of the coming administration in the collector's office.

Mr. Cottrill reached Honolulu four years ago from Toledo, Ohio, after news of his appointment had been received in Honolulu unpopularity, and succeeded at once to change first impressions with a readiness and sureness that was surprising, until he had built up a fine reputation for administrative ability and personal character. The fact that Mr. Haley's appointment replaces him, for he has been a "tenant as will" in his office for some time, is a fit in the outcome that is only partly nullified by the fact that he yesterday announced his intention of changing his permanent residence from the Buckeye State to Hawaii.

LEWIS TESTIFIES

Court—Mr. Lewis, have you been arrested under a bench warrant in this case?

Defendant—Why, I don't know. They have served a warrant on me not very long ago.

Court—When?

Defendant—Oh, a couple of days ago.

Court—You say a couple of days ago—that would be on Monday of this week?

Defendant—I think it was on Monday.

Court—Where were you at the time you were arrested?

Court—What have you been doing since then?

Defendant—I didn't do anything that I know of.

Court—Well, did the officer take you to prison?

Defendant—Beg pardon?

Court—Did the officer take you to prison? When you were arrested, what was done with you?

Defendant—Yes, I was down in the prison.

Court—What prison were you taken to?

Defendant—Down to the County.

Court—County Jail? Have you been there ever since?

Defendant—Yes, sir.

Court—You came from there this morning?

Rose Ordered to Appear

Defendant—They got me down there this morning, yes, sir.

Court—The court will make an order now that the sheriff of this city and county, Mr. Charles H. Rose, be ordered to appear here at two o'clock this afternoon to explain to the court why these defendants were not arrested on or immediately after the 19th day of February, upon which date the warrant of arrest was issued.

(On request of Mr. Cathcart the hour is changed to half-past one.)

Court—I will say that the return of the sheriff, to the warrant of arrest which was issued on the nineteenth, is dated the 21st day of February, which was Sunday last, and you say, Mr. Lewis, that you were not arrested until Monday?

Defendant—No, sir.

Court—What time on Monday? That is Washington's Birthday, the twenty-second.

Defendant—In the morning; I don't remember what time it was.

Court—Then you were taken to the jail and you have been kept there ever since?

Defendant—Yes, sir.

Court—The clerk will notify the sheriff of this order, and if he requires anything more formal, something more formal will be issued.

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John F. Haley



John F. Haley

SENATE PASSES CONGRESSIONAL VISITORS BILL

Attempt Fails To Keep Out Governor's Right To Approve Fund's Expenditure

CHAPLAIN'S SALARY INCREASED TO \$200

Accounts Committee Shapes All Journal Matters To Fit Ideas of Economy

(From Thursday Advertiser.)

House Bill 2, Appropriating \$30,000 for the entertainment of congressmen and other distinguished persons made guests of this Territory, passed third reading in the senate yesterday afternoon, as amended on motion by Senator Metzger last Saturday, to the effect that the territorial secretary handle the expenditure of the fund "with the approval of the Governor."

When the bill was reported back by the judiciary committee, at yesterday's session, to which committee it had been referred on motion of Senator Makaka, because of a fault in its title, Senator Castle stated that the committee had merely corrected the bill, for the reason that such was the desire expressed when it was referred, and therefore the committee report made no recommendation concerning the measure.

The judiciary committee also reported on House Concurrent Resolution 4, which had been referred to it on Tuesday, recommending the use of the words "distinguished persons" instead of "public officers" with reference to the class of persons to be invited to the Territory as the people's guests.

Consideration of the resolution, which provides for the appointment of house and senate committees to act with the Governor, secretary and delegate in the matter of the entertainment of distinguished persons, had previously on motion of Senator Rice, been deferred until tomorrow. House Bill 2 naturally came ahead of the resolution.

Governor Stays in the Bill

A brief recess was taken while the bill was retypewritten to conform to the corrections made by the judiciary committee. When this was accomplished and the senate was in session again with former President McKinley's successor in the right hand of President Chillingworth, the bill was brought up for third reading. Senator Rice had a motion on the desk, but over from the desk he proceeded to the effect that the words "with the approval of the Governor" be deleted from the measure.

He wanted action on this help-up motion. Senator Wright rose to a parliamentary point, but back he came and drew attention to the fact that a motion to commit took precedence of a motion to amend. Therefore Rice's motion to amend was not in existence. It had died naturally and was not on the table in any living sense. Nothing daunted, Rice remarked that perhaps the gentleman from the third district would not object to this respecting the motion; would the gentleman from the second district object? Wright had no objection to this original wording and Rice moved the deletion of the words "with the Governor's approval." Wright assented. Metzger's motion that the bill pass third reading as it came from the judiciary committee. Castle seconded Rice's motion for deletion of the Governor's name.

The motion to amend was put first. Aye, 10; Nay, 10. The bill was then brought to the surface by several of his companions. It was taken immediately to the hospital at Fort Shafter where every effort was made to resuscitate the man by means of a pulmotor. After forty minutes with the appliance, the physicians at the hospital pronounced the man dead.

It is the belief of the authorities at Fort Shafter that Lettrich came to his death as the result of a shock. There were marks across his back which indicated that he had come in contact with the tentacles of a large squid. It is thought that it was so frightened the man that he became paralyzed at the moment, which resulted in his drowning.

Output For 1914 Reached 19,600 Tons, Setting a New Record For This Plantation

Onoma Sugar Company has its sails trimmed and its course set for the blow that the sugar industry in Hawaii will receive in the event that sugar goes on the free list in 1916.

"Efficiency and economy are the watchwords in all departments," says Manager John T. Moir, in his annual report, submitted at the meeting of the stockholders of the company held yesterday. "And we hope and trust that we will be able to survive the blow that is awaiting us in 1916, or that the wind may be tempered to the storm lamb."

Officers of the company were re-elected as follows:

E. F. Bishop, president; C. H. Copke, vice president; R. P. Rithet, second vice president; George H. Robertson, treasurer; James Greig, assistant treasurer; E. A. R. Ross, secretary; George R. Carter, R. Ivers, Henry St. Goar, directors; T. R. Robinson, auditor.

(Associated Press by Federal Wireless.)

PHILADELPHIA, February 24.—Capt. A. E. Harding of the Fifth Regiment, Marine Corps, committed suicide here today. Captain Harding was stationed on the U. S. S. Hancock.

Carnival Robs Rainbow For Bal Masque Colors

Motion, Music and Mystery Make Armory Scene One of Great Beauty

COSTUME AWARDS BY JUDGES Most Attractive Costume—"Chinese Mandarin," H. Winkley. Best Comedy Couple—"Organ Grinder and Bear," (names unknown).

Most Original Male Costume—"Flags of All Nations," Sgt. W. S. King, Tenth Company, C. A. C.

Most Original Female Costume—"Pineapple Girl," Miss A. G. Horne.

Best Sustained Character—"French Nobleman," Dr. G. Herbert.

Most Elegantly Costumed Couple—Misses Katherine Johnson and Miss Hilda Peck.

Judges—Mrs. William H. Carter, Mrs. C. B. T. Moore, Mrs. C. R. Forbes, Mrs. W. R. Riley and Mrs. E. Berndt.

(From Thursday Advertiser.)

Imagination last night joined the feet of the Carnival Spirit when the gates of the National Guard Armory were opened on the grand masque ball which was the feature of yesterday's celebration.

No more brilliant gathering has tread the amazing mazy of modern music in Honolulu. No better music was ever played to tread it to. Two bands, Berger's veterans on one side and the Twenty-fifth Infantry band on the other, lured thousands to the floor, kept the seats empty and made the limit of meriment to the roof.

The unusual crowds that have faithfully trailed the Carnival from one haunt to another showed up on the floor, led for bear, last night. The Twenty-fifth band opened the ball at half-past eight and not a minute later a hundred couples were only thirty-second behind that and a hundred more followed them, coming from wherever in particular and filling the great hall so full of color that it appeared that King Carnival had appeared to be an artist and commenced by spilling his oils.

Families of dominoes that had shoplifted the rainbow from the counter of the gods appeared out of the gloom. Solemn sub-tropical glaciers, a permissible paradox of Carnival, edged their way towards the floor and broke off into little equatorial icebergs that bobbed merrily under the arc lights.

Big Crowd Watches

A spectacle box on the mezzanine floor was set aside for Governor Plunkham, who remained during the evening surveying the kaleidoscope below. In this box gathered the high officers of the army and navy, and the high dignitaries of the Carnival.

The gallery was packed to capacity with all classes, and here an occasional dancer, arrayed in six colors, would come to get his feet away from the undulating music and recover himself. The orderly lines of chairs and boxes around the dancing floor dissolved into a chaos in a very few minutes. Only the dominoes overtook and maintained their integrity. Everything else succumbed to the law of motion.

Many costumes of quaint and original design appeared last night, but the great majority clung to the traditions of the dominoes and yama yama dress and there were more shapes, sizes and descriptions of these than there ever were before in one place.

The most wonderful of the crowd, and its costumes, was possible last night. Many of the best appeared and following a transient sensation promptly disappeared. Yama yama garb ruled favorite, and included among its devotees President of the Senate Charles F. Chillingworth and Mrs. Chillingworth.

Mr. and Mrs. J. C. Haines headed another party which adopted yama yama garb, in which the latter looked deucedly like a conspiracy, appeared in white yama yama with fuzzy attachments disclosing identity to the initiated few. Included in among these were Miss Rosie Herbert, Marshall B. Henshaw, and others.

Mr. and Mrs. Frank Blake led another party which adopted yama yama garb, in which the latter looked deucedly like a conspiracy, appeared in white yama yama with fuzzy attachments disclosing identity to the initiated few. Included in among these were Miss Rosie Herbert, Marshall B. Henshaw, and others.

Bessie Abbott Howland, fresh from operative triumphs in the Sho-Gun were white and silver in a design strictly art for art's sake.

Mr. and Mrs. George Collins, Miss Violet Maake, Misses Mary and Hattie Lucas and others formed a party that introduced country lads and lasses in "rural conventionals" that left nothing to be desired.

Dancers From Other Lands

Miss Frederiek P. Reynolds alone saw the masquerade possibilities of the hula and were the dancer's garb with grace.

Miss Mildred Brown found possibilities in the harem, but happily escaped to exhibit her find on the dancing floor. To contrast it Miss Helen Cent went to the sunny Latin and borrowed the garb of the fandango and tarantella.

The Chinese motive was not forgotten. C. D. Wright made a perfect pake while the gentler sex were represented by Misses Ruth Soper and Jessie Kennedy.

Doctor Monsarrat appeared gorgeously draped in a robe suggestive of the South pole whose polar effects failed utterly to freeze the tropical smile with which he headed the grand march.

Doctor Hercules idolized Uncle Sam, and not being content with the most forty-odd stars which Uncle has assimilated for patriotic purposes, adopted the whole Milky Way.

W. D. Adams won the unofficial prize for the disguise that could not be described, and if one of his well known locks had not escaped and tattled, his disguise would have remained unpenetrated.

A number of Panahou have added to the gaiety by appearing in baseball suits.

"Dispensed" on the floor were dis-

WILL COMPROMISE IN SMART CASE IS ALL OFF AGAIN

Failure of Mrs. Knight To Agree On Mrs. Whitney, As Boy's Guardian, Cause

WOULD HAVE JUDGE STUART HANDLE CASE

Filing of 'Second' Will Presages Bitter Fight To Finish Over Estate

(From Thursday Advertiser.)

Unless all present indications are not quite what they seem to be, the compromise agreement between Henry Gaillard Smart and his mother-in-law, Mrs. Elizabeth J. Knight, is all off again in regard to an amicable settlement of the litigation now in the courts of the Territory for the control of the minor, Richard Smart, the nineteen-month old son of the late Thelma Parker Smart, and the three-million-dollar estate left by the latter when she died in San Francisco, November 17 of last year. The custody of the child has been, all along, in the compromise, the only detail upon which no agreement could be arrived at.

On February 4, F. E. Thompson, of the law firm of Thompson, Wilder, Milverton & Lymer, and John A. Carter, representing the minor's father, Henry Gaillard Smart, submitted the name of Mrs. William L. Whitney, wife of Judge W. L. Whitney of the second division of the first circuit court, as custodian of the child, "under the proposed compromise heretofore agreed upon between us," as F. E. Thompson wrote to William A. Kinney, head of a legal array representing Mrs. Knight. It is asserted that Mrs. Whitney had the consent of her husband, the judge, to take up the duties as such custodian, and that, as far as she was concerned, she signified her willingness to accept the custody of little Richard until he should become sixteen years of age.

'Second' Will Is Filed

A new angle, as published in The Advertiser yesterday, was given to Mrs. Knight's lawyers filed in the local circuit court Tuesday a petition for the probate of what has been styled as the "second will" made by her daughter, Thelma, which antedates the third and last will, which Mrs. Knight and her lawyers claimed is not valid. This second will was made and signed by Thelma Parker Smart March 16, 1913, and was witnessed by A. F. Costa, Mrs. F. Prosser and Robbins B. Anderson. The original copy of this will is said to have been left in the possession of Henry Gaillard Smart, but whether it is still in existence or has been destroyed cannot be said with any degree of accuracy.

Under the so-called "second" will Mrs. Smart left all her personal goods and jewelry to her children and, in case no children survived her, to her mother, Mrs. Knight; the house, land furniture, including the pictures, books, objects of art, china, silver and linen, was left under the same conditions. In case of Mrs. Smart's death before the death of her mother and therefore the termination of the trust, deed made by the deceased, dated April 25, 1912, she disposed of her property as follows:

\$1000 a Month For Husband

To her husband she left \$1000 a month, "so long as he shall live," the balance of the income of the estate to go in equal shares "to those who shall survive me of my said husband, my mother and any children who may be born to me." Specific bequests were made, totaling \$119,500, of which the largest was \$50,000 to F. E. Knight, her step-father. To a number of her uncles, aunts and cousins, Mrs. Smart left \$5000 each; to her friend Harriet Bradford \$2000; to three servants \$500 each and to A. W. Carter, "in recognition of his many past services to me," \$10,000. Henry Gaillard Smart, Alfred W. Carter and Olaf L. Sorenson were named as executors of this "second" will. Mrs. Smart provided specifically that they should serve without bonds.

Claim Judge Now Disqualified

Now, because Smart's lawyers, under the tentative agreement of compromise, had decided upon Mrs. William L. Whitney as custodian of little Richard, the heir to his mother's millions, until he should attain the age of sixteen years and, further, because Mrs. Whitney had consented to the acceptance of the trust and her husband, Judge Whitney, had consented to the acceptance of this trust by his wife, Mrs. Knight and her several lawyers, W. A. Kinney, Frear, Prosser, Anderson & Marx, and Richard Smart, the minor, by C. H. Olson, his next friend, filed in the circuit court here at an early hour yesterday a "suggestion of the disqualification of Judge (William L. Whitney) and request for recanvass and transfer of cause," which is addressed "to the presiding judge at chambers." The "suggestion" is supported by an affidavit which, in almost the same verbiage, supports the contentions set forth in the "suggestion." The affidavit, all of which is given below in full, is signed and sworn to by Mrs. Kinney said:

"It means that, failing to secure a reasonable compromise, even by surrendering to Mr. Smart of all possible property rights in her daughter's estate, Mrs. Knight is now going to assert these rights to help break down the compromise."

(Continued on Page 4)

OIL LANDS RULING OF INTEREST HERE

Many Honoluluans Are Concerned In Consolidated Company Affected By Decision

According to an Associated Press dispatch, published yesterday in The Advertiser, a decision of the United States supreme court upholds the legality of President Taft's order issued in 1909 by which thousands of acres of valuable oil land in California and Wyoming were withdrawn from public entry. The order acted many holders of oil lands in the sections named and the legality of the President's act was questioned in the courts.

Another announcement that the order of President Taft had been upheld by the highest court in the land was received by E. D. Tenney of Castle & Cooke, agents for the Consolidated Oil company, yesterday. Many Honoluluans are interested in Consolidated, which owns five or six sections of valuable oil land in California and in the district embraced in the withdrawal order. Mr. Tenney hopes to receive further details as to the meaning of the decision and what effect it will have on Consolidated holdings. Following is a copy of the cablegram he received yesterday:

Tenney, Honolulu:

"Supreme court decision sustains legality President's withdrawal order and adverse to oil companies who entered subsequently. Captain Matson confident Consolidated qualified prior to withdrawal notice. Attorney says contingent on definition of what constitutes development, general organization at field or actual production oil. No one discouraged. Consolidated considered in preferred position."

BISHOP

JUDGE WHITNEY GRANTS FOUR DIVORCE DECREES

Divorces were granted by Judge Whitney yesterday, as follows: Mrs. Agnes P. Lever from William P. Driver, on the ground of non-support, the decree to take effect from and after March 10, the custody of the minor child of the couple being granted to the mother; Kiku Yanagihara from Yazo Yanagihara, and Nami Kawana from Kinokuni Kawana, both on the ground of desertion, the decree to take effect from and after March 10, and Maria da Silva Barros from Antonio da Silva Barros, on the ground of non-support, the decree to take effect from and after March 10.